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10/665,892	09/19/2003	Mark Davis	1070P3822	6988

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EXAMINER

TRAN, TUYETLIEN T

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/665,892	<b>Applicant(s)</b> DAVIS ET AL.	
	<b>Examiner</b> TuyetLien (Lien) T. Tran	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/18/06, 1/23/06</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 32 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Proper language to place the claims in proper dependent form can be: "A computer implemented user interface as described in Claim 24".

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-23, 30, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "said handheld device" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 recites the limitations "A computer implemented user interface as described in Claim 23", "said first cell", and "said second cell". There is insufficient antecedent basis for these limitations in the claim.

Claim 30 recites "said third cell" in line 4. There is insufficient antecedent basis for this limitation in the claim. For the purpose of examination, "said third cell" is interpreted as "said first cell".

Claims 13-23 are rejected as incorporating the deficiencies of a claim upon which it depends.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 24-31 and 33-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 24, a "computer implemented user interface" is being recited; however, it appears that the computer implemented user interface would reasonably be interpreted by one of ordinary skill in the art as software, per se. As such, it is believed that the computer implemented user interface of claim 24 is reasonably interpreted as functional descriptive material, per se.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1-8, 14-20, 24-31, and 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Wagner (Pub No US 2004/0155909 A1; hereinafter Wagner).

*As to claim 1*, Wagner teaches:

A method for displaying information in a handheld device (e.g., a context-based display on a mobile device, see [0046]), comprising:

displaying information in a plurality of dynamically sizable cells in a display screen of said handheld device (e.g., see Fig. 8A-8G and [0089]); and

dynamically and automatically sizing cells of said plurality of cells in response to the amount of said information to be displayed in said cells (e.g., see Fig. 8A-8G and [0089]).

*As to claim 14*, Wagner teaches:

A computer system comprising: memory coupled to a bus; a processor coupled to said bus; and a display screen coupled to said bus (e.g., see [0110] and Fig. 7B), wherein said memory comprises instructions for implementing a method of displaying calendar information (e.g., see item 510 in Fig. 5A), said method (e.g., see [0121]) comprising:

displaying information in a plurality of dynamically sizable cells in a display screen of said handheld device (e.g., see Fig. 8A-8G and [0089]); and

dynamically and automatically sizing cells of said plurality of cells in response to the amount of said information to be displayed in said cells (e.g., see Fig. 8A-8G and [0089]).

*As to claim 24*, Wagner teaches:

A computer implemented user interface (e.g., see [0046] and Fig. 5F) comprising:  
a plurality of dynamically sizable on-screen displayable cells for presenting categories of daily information therein (e.g., see Fig. 3 and Fig. 4), wherein said plurality of cells comprise a first cell (e.g., a tertiary tray 400 as shown in Fig. 4) and a second cell (e.g., main portion, see

Fig. 3 and [0019]) and wherein said first cell is automatically dynamically sized based on its content and also based on content of said second cell (e.g., see Fig. 3-4 and [0089]).

*As to claims 2 and 15*, Wagner further teaches wherein said dynamically and automatically sizing is performed also in response to the number of active cells of said plurality of cells (e.g., see Fig. 5A-C).

*As to claims 3 and 16*, Wagner further teaches wherein said sizing comprises adjusting a size of a first cell in response to an amount of information displayed in a second cell (e.g., see Fig. 8A-8G and [0089]).

*As to claims 4 and 17*, Wagner further teaches each of said cells of said plurality of cells comprises a different category of daily information (e.g., ticker tape display 402 can present weather report and stock quotes while main portion can display event information such as 'home game', '10 am Johnson', see Fig. 3, 8G and [0059]).

*As to claims 5 and 18*, Wagner further teaches wherein one category is daily event information (e.g., 'home game', '10 am Johnson', see Fig. 8G).

*As to claims 6 and 19*, Wagner further teaches wherein one category is daily to-do information (e.g., 'movie invite', '10 am Johnson', see Fig. 8G and [0077]).

*As to claims 7 and 20*, Wagner further teaches wherein one category is daily message information (e.g., item 804 in Fig. 8B).

*As to claim 8*, Wagner teaches display screen is a touch-screen display (e.g., an interactive mobile device display 800, see Fig. 8A and [0102]).

*As to claim 25*, Wagner further teaches wherein said second cell is automatically dynamically sized based on its content and also based on content of said first cell (e.g., see Fig. 8A-8G and [0089]).

*As to claim 26*, Wagner further teaches wherein said first cell displays daily event information (e.g., tertiary tray displays 'ski' event information, see Fig. 4).

*As to claim 27*, Wagner further teaches wherein said second cell displays daily to-do information (e.g., main portion displays '10 am Johnson', see Fig. 3).

*As to claim 28*, Wagner further teaches comprising a third cell of fixed size for on-screen displaying of daily message information (e.g., ticker tape display 402 for displaying weather report and stock quotes, see Fig. 3 and 4).

*As to claim 29*, Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said first cell is enlarged in response to display of said second cell being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

*As to claim 30*, Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said second cell is enlarged in response to said third cell (as mentioned above, this limitation is interpreted as said first cell) being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

*As to claim 31*, Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

*As to claim 33*, Wagner further teaches wherein said first cell comprises a minimum size definition and wherein further said first cell is decreased in size if its content requires less size than its minimum size definition (e.g., see Fig. 8A-D).

*As to claim 34*, Wagner further teaches wherein said first cell is increased in size provided its content requires more size than its minimum size definition and provided further that said second cell is decreased in size below its minimum size definition (e.g., see 8H).

*As to claim 35*, Wagner further teaches wherein said first cell displays daily event information (e.g., tertiary tray displays 'ski' event information, see Fig. 4), wherein said second cell displays daily to-do information (e.g., main portion displays '10 am Johnson', see Fig. 3) and further comprising a third cell of fixed size for on-screen displaying of daily message information (e.g., ticker tape display 402 for displaying weather report and stock quotes, see Fig. 3 and 4).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of



each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 9-13, 21-23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of Kato et al. (Patent No US 6297795 B1, hereinafter Kato).

*As to claims 9 and 21*, Wagner teaches the limitations of claims 1 and 14 for the same reasons as discussed with respect to claims 1 and 14 above. Wagner does not expressly teach that the display screen is switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape.

Kato, though, teaches display screen is switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape (e.g., display device is switchable between wide space and narrow space and between portrait and landscape mode, see Fig. 12-14).

Wagner and Kato are analogous art because they are from the same field of endeavor of displaying information in a portable device (e.g., see Kato col. 12 lines 8-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used display mode switching function as taught by Kato to the display of the portable device used to display information as taught by Wagner because Wagner's teaching can be applied to any type of mobile device such as PDA (e.g., see Wagner [0052]). The motivation to combine the teachings of Wagner with Kato is to allow for a relatively larger display area on small devices while still allowing full functionality of the device.

*As to claims 10 and 22*, Wagner and Kato teach the limitations of claims 9 and 21 for the same reasons as discussed with respect to claims 9 and 21 above. Kato further teaches substantially rectangular display screen is oriented in a portrait mode (e.g., display device is

switchable between portrait and landscape mode, see Fig. 12-14). Thus, combining Wagner and Kato would meet the claimed limitations for the same reasons as discussed with respect to claims 9 and 21 above.

*As to claims 11 and 23*, Wagner and Kato teach the limitations of claims 9 and 21 for the same reasons as discussed with respect to claims 9 and 21 above. Kato further teaches substantially rectangular display screen is oriented in a landscape mode (e.g., display device is switchable between portrait and landscape mode, see Fig. 12-14). Thus, combining Wagner and Kato would meet the claimed limitations for the same reasons as discussed with respect to claims 9 and 21 above.

*As to claim 12*, Wagner and Kato teach the limitations of claim 9 for the same reasons as discussed with respect to claim 9 above. Wagner further teaches suppressing display of a first cell (e.g., tertiary tray in Fig. 3) of said plurality of cells (e.g., note tertiary tray is suppressed, see Fig. 3 and Fig. 4).

*As to claim 13*, Wagner and Kato teach the limitations of claim 12 for the same reasons as discussed with respect to claim 12 above. Wagner further teaches enlarging the area of a second cell in response to said first cell being suppressed (e.g., note the size of the main portion is enlarged when a tertiary tray is suppressed, see Fig. 3 and Fig. 4).

*As to claim 32*, Wagner and Kato teach the limitations of claim 23 for the same reasons as discussed with respect to claim 23 above. Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said first cell is enlarged in response to display of said second cell being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

### *Conclusion*

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

*Examiner's note:* Examiner has cited particular columns, line numbers, and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teaching of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T  
1/11/2007

Lien Tran  
Examiner  
Art Unit 2179

**BA HUYNH**  
**PRIMARY EXAMINER**